

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JYOTSNA V. PATEL, individually and as
Executrix of the Estate of Vipin P. Patel,

Plaintiff,

SILARX PHARMACEUTICALS, INC.,
ROHIT DESAI, and NAYAN RAVAL,

Defendants.

USDS SDN:
DOCUMENT
EFILED: MUNICALLY FILED
02/28/2011
Case Filed:

X Civ. Action No. 11-cv-0013 (KMK)

**STIPULATION
OF DISMISSAL**

X

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the undersigned parties, as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff agrees to the dismissal of all claims in the above-entitled action as against all Defendants, without prejudice and without costs or disbursements as between the parties.
2. The Parties agree that this action will be re-filed in the New York State Supreme Court, Westchester County, Commercial Division (the "State Court Action"). Each of the Defendants specifically consents to (and agrees not to contest) such venue.

3. Each of the Defendants agrees that service will be deemed effected upon service by U.S. mail and electronic mail of the complaint in the State Court Action upon the below-signed counsel, and will answer or otherwise respond to the Complaint within 15 days thereafter.

Dated: New York, New York
February 16, 2011

DORSEY & WHITNEY LLP

By: *Christopher Karagheuzoff*
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Attorneys for Defendants

February 26, 2011
White Plains, NY

So Ordered:

R. M. K.
U.S. D.J.